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November 3, 2022

## BY ECF

The Honorable Sarah L. Cave  
United States District Court for the Southern District of New York  
500 Pearl St.  
New York, NY 10007

Re: *Catherine McKoy, et al., v. The Trump Corporation, et al.*, 18-cv-09936 (LGS) (SLC)

Dear Judge Cave:

We write on behalf of Plaintiffs in the above-referenced action, pursuant to Rule I.F.2 of Your Honor's Individual Practices in Civil Cases ("Individual Practices"), to respectfully request provisional approval to file under seal an unredacted version of a letter-motion to the Court ("Letter") concerning request for leave to serve an additional deposition subpoena.<sup>1</sup>

In the Letter, Plaintiffs refer to information found in and quote from documents and transcripts that have been designated as "Confidential" by Defendants, ACN, and/or Anne Archer Butcher, under Paragraph 3 of the operative Protective Order entered by Judge Schofield (ECF No. 112).

In accordance with Paragraph 16 of the Protective Order, which incorporates by reference section I.D.3 of Judge Schofield's Individual Rules and Procedures in Civil Cases ("Individual Rules"), Plaintiffs have provisionally filed the unredacted Letter under seal and have provisionally redacted references to the information designated as Confidential in the Letter filed on the public docket. Pursuant to the Protective Order, however, the entity or entities "with an interest in confidential treatment bears the burden of persuasion." ECF 112 at 5.

In this case, Defendants, ACN, and Ms. Butcher, as the entities that made the relevant confidentiality designations, have the "interest in confidential treatment." *Id.* Accordingly, on

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<sup>1</sup> In accordance with Rule I.F.2, an unredacted copy of the Letter, with redactions highlighted, will be filed under seal contemporaneously with this letter motion. *See* Standing Order, 19-mc-00583 (Dec. 19, 2019); Electronic Case Filing Rules & Instructions, Rule 6.8. Plaintiffs will timely serve the unredacted version on Defendants and versions with the appropriate redactions removed on ACN and Ms. Butcher.

November 3, 2022, counsel for Plaintiffs advised counsel for the interested parties concerning our intent to file a letter-motion under seal with the material designated confidential redacted from the publicly filed version.

Finally, for the avoidance of doubt, Plaintiffs take no position at this time on whether the redacted information was properly designated as Confidential or whether it ought to remain sealed from the public. Plaintiffs further respectfully reserve the right to challenge the relevant confidentiality designations in the future pursuant to Paragraph 15 of the Protective Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Roberta", with a stylized flourish extending to the right.

Roberta A. Kaplan

cc: Counsel of Record (via ECF)